

REMARKS

This paper is in response to the Official Action mailed October 22, 2003. A petition for a two-month extension of time, extending the time to respond from January 22, 2004 until March 22, 2004, is enclosed herewith and incorporated by reference.

Claims 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tisch* in view of *Pozzo et al* and WO 98/50208. The Examiner has alleged that *Tisch* discloses a process for continuously making a lignocellulosic particle board. The Examiner has further alleged that the process of *Tisch* comprises providing a mat comprising binder coated lignocellulose particles, feeding the mat into a steam injection press, pressing and applying steam to the mat to cure the binder and form the particle board while the steam is actively removed by applying a suction pressure. The Examiner admits, however, that it is not clear whether the particles in *Tisch* are subjected to drying before the mat is fed into a steam injection press. The Examiner nevertheless concludes that this would be obvious because it is well known in the art to form a mat with a desired moisture content.

The Examiner further admits that *Tisch* does not teach conditioning the board by drawing a predetermined volume of air with a predetermined moisture content and temperature through the board by means of suction. The Examiner contends, however, that this would be obvious because the secondary reference, *Pozzo*, teaches subjecting particle board to in-line humidification by exposure to humid air at a temperature around 200°F to prevent the board from buckling or warping, and that use of a post-gas treatment is also taught by WO 98/50208 where a "gaseous treatment agent is contacted with at least one wall of the board and is caused to pass through the thickness of the

board" using a vacuum pressure. Thus, the Examiner contends that WO 98/50208 discloses subjecting at least one wall of the board with gas treatment agents, such as steam, which is caused to pass through the board by forming vacuum pressure on the opposing wall and to recover noxious emissions therefrom. The finishing operation is said to be obvious in that it is common practice to subject a conditioned board to sanding. Applicants respectfully traverse this rejection because the collective teachings of the prior art would not have motivated one skilled in the art to produce the claimed invention with a reasonable expectation of success.

Pozzo relates to the production of hardboard (see col. 1, lns.5-8), and the production process for hardboard differs from the production process for the type of fiberboard utilized in the present invention. For example, the method for making hardboard of *Pozzo* is a wet method (see col. 1, lns. 8-12). Indeed, *Pozzo* distinguishes wet processes from dry processes:

Fibre handling and mat forming techniques, of course, differ from wet process methods since the fibre is handled in air and not in water.

The present invention is concerned with the second form of process referred to above and provides for the production of high quality hardboard in a closedwater system.

(see col. 1, lns. 53-59).

By its own disclosure, *Pozzo* does not teach anything with regard to a dry process. Further, there is no teaching, suggestion or motivation in any of the references to use any step of the wet method in a dry method like that of the present invention.

Additionally, according to the present invention, air is drawn *through* the board by means of suction. However, this cannot be accomplished by the method of *Pozzo*, which utilizes

hardboard. Due to its compact nature, humidity can only be absorbed by the hardboard. Further, this absorption step, which occurs over a period of time, cannot be said to be part of a "continuous" process, like that of the present invention. The method of *Pozzo* also cannot be said to be continuous because the hardboard is conditioned in order to prevent the board from warping during later, after-treatment steps.

The Examiner also admits that *Tisch* does not teach a finishing operation such as grinding/sanding, but nonetheless concludes that it would have been obvious in the art to subject a conditioned board to sanding, as exemplified in *Pozzo*. However, sanding and grinding are not the same. The purpose of after-treatment sanding, disclosed in *Pozzo*, is to make the hardboard surface more even. However, in the present invention, the purpose is to grind the board "to a final thickness." Sanding does not imply a change in thickness, it merely denotes that the surface of the material becomes smooth.

WO 98/50208 discloses treating a board-like material by moving it through a gas agent treatment zone. However, there is no disclosure of a continuous dry process for producing lignocellulose-containing boards from a mat of lignocellulose-containing material. Likewise, there is no teaching, suggestion or motivation in any of the references cited to combine the treatment process of WO 98/50208 with a process for making lignocellulose-containing boards.

Even if a person skilled in the art had been motivated to combine the teachings of the prior art, the claimed invention would not have been produced. Neither *Pozzo* nor WO 98/50208 teaches or suggests the elements missing in *Tisch* as described above. Reconsideration and withdrawal of the rejection is respectfully requested.

With respect to claim 7, the Examiner contends that WO 98/50208 teaches subjecting a wall of the board to gas treatment

and further, treatment zones arranged in a countercurrent fashion. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above cited references, and further in view of either *Kunnemeyer* or *Hagstrom*.

For the same reasons as stated above with respect to the cited references, Applicants submit that the prior art would not render claims 7 and 8 obvious. None of the cited references teach or suggest the elements missing in the primary reference. Further, *Hagstrom* is directed to a device for use in a hydraulically-operated press, and *Kunnemeyer* discloses a process for making wood fiber boards from fine wood dust. Neither reference teaches or suggests that uniform density can be achieved using a continuous dry process for producing lignocellulose-containing boards from a mat of lignocellulose-containing material. Reconsideration and withdrawal of the rejection is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 09/890,139

Docket No.: LAGROTH 3.3-026

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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